

Notice of Allowability

Application No.

10/763,201

Examiner

Thong Q Nguyen

Applicant(s)

ARAKI ET AL.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the pre-amendments of 1/26/04 and 2/10/04.
2. ☒ The allowed claim(s) is/are 69-76 which are renumbered as claims 1-8.
3. ☒ The drawings filed on 26 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/127,031.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/12/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Thong Q Nguyen
Primary Examiner
Art Unit 2872

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the pre-amendments filed by applicant on 1/26/2004 and 2/10/2004. It is noted that in the first pre-amendment filed on 1/26/2004, applicant has canceled original claims 1-68 and added a new set of claims, i.e., claims 69-76, into the present application. It is also noted that applicant has filed two sheets of drawing corrections. In the second pre-amendment filed on 2/10/2004, applicant has made amendments to the specification.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/127,031, filed on July 31, 1998.

Drawings

3. The drawings contain twenty-six sheets of figures 1A-28 and the corrected drawings contain two sheets of corrected figures 6A-7E were received on 1/26/2004. These drawings are approved by the Examiner.

Specification

4. The lengthy specification which is amended by the pre-amendments has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Allowable Subject Matter

6. Claims 69-76 are allowed over the cited art.

7. The following is an examiner's statement of reasons for allowance:

The device as claimed in each of claims 69 and 72 is patentable with respect to cited art, in particular, the U.S. Patent Nos. 6,331,916 and 6,324,012 by the limitations governing the size of the noise source, the focal length of the first optical component, the on-axis astigmatic difference and the diameter of an exit pupil of the first optical element at the intermediate image which is formed by an optical system having a first optical element having a refractive surface of rotationally asymmetric shape, a reflective surface and a second optical element having a refractive surface of rotationally asymmetric shape and a reflective surface, and an aperture stop with its maximum opening.

The device as claimed in each of claims 75 and 76 is patentable with respect to cited art, in particular, the U.S. Patent Nos. 6,331,916 and 6,324,012 by the limitations governing the minimum resolution settled by an image pickup device, the focal length of the first optical component, the on-axis astigmatic difference, the image magnification of the second optical element, and the diameter of an

Art Unit: 2872

exit pupil of the first optical element at the intermediate image which is formed by an optical system having a first optical element having a refractive surface of rotationally asymmetric shape, a reflective surface and a second optical element having a refractive surface of rotationally asymmetric shape and a reflective surface, and an aperture stop with its maximum opening.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

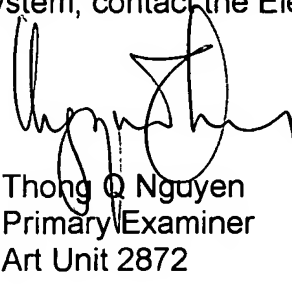
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Nguyen
Primary Examiner
Art Unit 2872

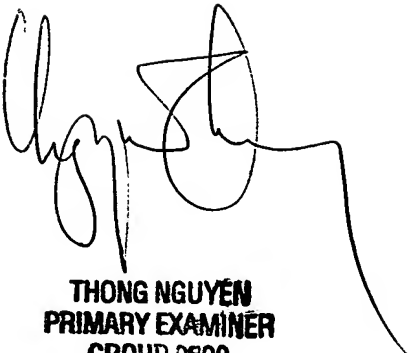
Art Unit: 2872

EXAMINER'S AMENDMENT

The application has been amended as follows:

In each of claims 70 and 73:

A period is added at the end of each claim.



**THONG NGUYEN
PRIMARY EXAMINER
GROUP 2800**